

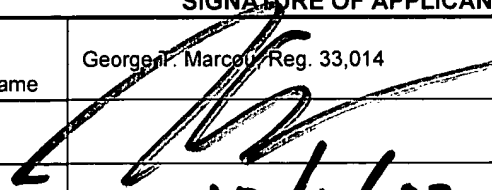
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PTO/SB/21 (08-00)
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TRANSMITTAL FORM <i>To be used for all correspondence after initial filing</i>	Application Number	09/363,169
	Filing Date	July 29, 1999
	First Named Inventor	Lalgudi Natarajan, et al.
	Group Art Unit	1756
	Examiner Name	C. H. Kelly
Total Number of Pages in This Submission	Attorney Docket Number	SAIC0004-US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibit A, B & C
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Georgene L. Marcou, Reg. 33,014
Signature	
Date	10/1/02

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: _____			
Typed or printed name	_____		
Signature	_____	Date	_____

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#7

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

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Lalgudi NATARAJAN et al.

Art Unit: 1756

OCT 04 2002

Serial No.: 09/363,169

OFFICE OF PETITIONS

Examiner: C. H. Kelly

Filed: July 29, 1999

For: ELECTRICALLY SWITCHABLE POLYMER DISPERSED LIQUID CRYSTAL
MATERIALS INCLUDING SWITCHABLE OPTICAL COUPLERS AND
RECONFIGURABLE OPTICAL INTERCONNECTS

PETITION TO COMMISSIONER UNDER 37 C.F.R. § 1.181

Commissioner For Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.181 and the Manual of Patenting Examining Procedure (MPEP) § 711.03(c), the undersigned representative hereby petitions the Commissioner of Patents to withdraw the holding of abandonment for the above-identified application. Rule 37 C.F.R. § 1.181 states in part:

(a) Petition may be taken to the Commissioner:

1) From any action or requirement of any examiner in the *ex parte* prosecution of an application, or in *ex parte* or *inter partes* prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;

2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Commissioner; and

3) To invoke the supervisory authority of the Commissioner in appropriate circumstances. For petitions in interferences, see § 1.644.

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts

Serial No.: 09/363,169

are to be proven, the proof in the form of affidavits or declarations (and exhibits, if any) must accompany the petition.

Similarly, section 711.03(c) of the MPEP states,

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee.

As required by 37 C.F.R. § 1.181(b), the undersigned representative sets forth a statement of the facts below and requests withdrawal of the holding of abandonment in the above-identified application and consideration of the timely filed response.

STATEMENT OF THE FACTS

On December 20, 2000, a response was filed to an Office Action for the above-identified application having a mail date of June 20, 2000. (Copy of response attached as Exhibit A). The response was accompanied by a Petition to Extend the Period for Response by Three Months and a check for the extension fees of \$890. (Copy of Petition attached as Exhibit B). The response, Petition, and check were delivered to the United States Patent and Trademark Office (USPTO) at the hand-delivery window as evidenced by a USPTO stamped postcard. (Copy of postcard attached as Exhibit C).

Notwithstanding the timely filing of the response, a notice of abandonment ("the notice") was improperly issued and mailed on February 28, 2001 in the above-identified application. Discovery of the existence of the improper notice was made by the undersigned attorney when the internal file for the above-identified application was recently reviewed in anticipation of filing a continuing application therefrom.

Serial No.: 09/363,169

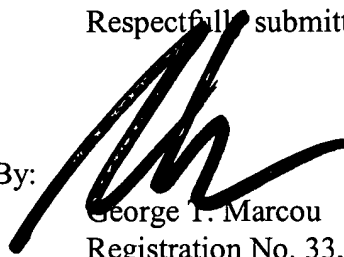
CONCLUSION

Based on the above-identified facts and attached exhibits, the undersigned representative respectfully requests that the improper notice of abandonment be withdrawn and the response filed be considered. While 37 C.F.R. § 1.181(f) suggests that this petition be filed within two months of the notice for automatic consideration, the undersigned representative submits that justice requires that this petition be considered timely.

Respectfully submitted,

Date: **6 Jan 1, 2002**

By:



George I. Marcou
Registration No. 33,014

KILPATRICK STOCKTON LLP
Suite 900
607 14th Street, N.W.
Washington, D.C. 20005
(202) 508-5800 (phone)
(202) 508-5858 (fax)



#8

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

LALGUNDI V. NATARAJAN et al.

Art Unit: 1756

Serial No.: 09/363,169

Filed: July 29, 1999

Examiner: C. Kelly

For: ELECTRICALLY SWITCHABLE POLYMER-DISPERSED LIQUID
CRYSTAL MATERIALS INCLUDING SWITCHABLE OPTICAL
COUPLERS AND RECONFIGURABLE OPTICAL INTERCONNECTS

RESPONSE TO OFFICE ACTION

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Responsive to the Office Action mailed June 20, 2000, the period for response being extended by the accompanying Petition to Extend the Period for Response by Three Months, the Applicants respectfully request reconsideration of the present application in light of the following amendments and remarks.

IN THE CLAIMS:

Please amend the Claims, as follows:

In Claim 50, line 3, please delete "large".

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REMARKS

Claims 1 to 70 are pending in the present application. By the foregoing amendment, Claim 50 has been amended. Accordingly, upon entry of this amendment, Claims 1 to 70 will continue to pend in this application.

This amendment is made to more clearly present the present invention. No amendment made was related to the statutory requirements of patentability; and no amendment made was for the purpose of narrowing the scope of any claim. The amendment to the claims finds support in the specification and claims, as originally filed. Thus, no new matter has been added. Entry of this amendment to the claims is respectfully requested.

The Applicants' representative kindly thank Examiner Kelly for the courtesy of the interview conducted on October 28, 1999, regarding related co-pending U.S. Patent Application Serial Number 09/034,014 ("the '014 Application"). Subsequent to that interview, the Applicants amended the '014 Application claims in a manner which the Applicants respectfully submit places those claims in allowance. At the same time, the Applicants filed a continuation of the '014 Application ("014 Application Continuation"). Because the issues presented in the subject application are similar to the issues initially raised in '014 Application and discussed during the interview, the Applicants intend to await the response of the Examiner in the '014 Application Continuation and take into account such response in fashioning the continuing prosecution of the subject application.

In addition, the Applicants' representative kindly requests the courtesy of an Interview regarding the presented rejections before taking further action in this application.

The Rejection of Claim 50 under 35 U.S.C. § 112, Second Paragraph:

The Examiner has rejected Claim 50 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regards as their invention. This rejection has been obviated by appropriate amendment and, where not obviated, is respectfully traversed.

The Applicants have amended Claim 50 so as to direct that claim to a method for preparing a switchable slanted transmission grating wherein the angle of incidence is not necessarily large. As such, the Applicants respectfully submit that the rejection should be reconsidered and withdrawn.

The Rejection of Claims 1 to 13, 16 to 21, 24 to 27, 29, 32 to 46, 49 to 56, 59 to 62, 64, 67 and 68 under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1 to 13, 16 to 21, 24 to 27, 29, 32 to 46, 49 to 56, 59 to 62, 64, 67 and 68 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,299, 289, issued to Omae et al. (hereinafter Omae). This rejection is respectfully traversed.

The reference of Omae discloses a liquid crystal projection apparatus. As the Examiner has noted, this reference does not disclose a slanted transmission grating. In the absence of such a teaching, the Applicants respectfully submit that this reference would not suggest the invention of the present claims. The Applicants' representative respectfully requests an Interview to discuss the features that distinguish the present invention from the cited reference of Omae.

The Rejection of Claims 1 to 70 under the Judicially Created Doctrine of Obviousness-Type Double Patenting

The Examiner has rejected Claims 1 to 70 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 to 18 of U.S. Patent No. 5,942,157, issued to Sutherland et al. (hereinafter Sutherland). This rejection is respectfully traversed.

The Applicants' representative kindly thank Examiner Kelly for the courtesy of the interview conducted on October 28, 1999, regarding related co-pending U.S. Patent Application Serial Number 09/034,014 ("the '014 Application"). Subsequent to that interview, the Applicants amended the '014 Application claims in a manner which the Applicants respectfully submit places those claims in allowance. At the same time, the Applicants filed a continuation of the '014 Application ("014 Application Continuation"). Because the issues presented in the subject application are similar to the issues initially raised in '014 Application and discussed during the interview, the Applicants intend to await the response of the Examiner in the '014 Application Continuation and take into account such response in fashioning the continuing prosecution of the subject application.

The Applicants' representative respectfully requests an Interview to discuss the features that distinguish the present invention from the cited reference of Sutherland.

The Provisional Rejection of Claims 1 to 70 under the Judicially Created Doctrine of Obviousness-Type Double Patenting

The Examiner has provisionally rejected Claims 1 to 70 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all of the claims of

each of copending Application serial Nos. 09/033,514; 09/034,014; 09/429,645; and 09/033,512.

This provisional rejection is respectfully traversed.

The Applicants' representative kindly thank Examiner Kelly for the courtesy of the interview conducted on October 28, 1999, regarding related co-pending U.S. Patent Application Serial Number 09/034,014 ("the '014 Application"). Subsequent to that interview, the Applicants amended the '014 Application claims in a manner which the Applicants respectfully submit places those claims in allowance. At the same time, the Applicants filed a continuation of the '014 Application ("014 Application Continuation"). Because the issues presented in the subject application are similar to the issues initially raised in '014 Application and discussed during the interview, the Applicants intend to await the response of the Examiner in the '014 Application Continuation and take into account such response in fashioning the continuing prosecution of the subject application.

The Applicants' representative respectfully requests an Interview to discuss the features that distinguish the present invention from the cited provisional references.

The Provisional Rejection of Claims 1 to 16, 34 to 51, and 70 under the Judicially Created Doctrine of Obviousness-Type Double Patenting

The Examiner has provisionally rejected Claims 1 to 16, 34 to 51, and 70 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 27 and 35 to 44 of copending Application serial Nos. 08/814,625. This provisional rejection is respectfully traversed.

The Applicants' representative kindly thank Examiner Kelly for the courtesy of the interview conducted on October 28, 1999, regarding related co-pending U.S. Patent Application

Serial Number 09/034,014 ("the '014 Application"). Subsequent to that interview, the Applicants amended the '014 Application claims in a manner which the Applicants respectfully submit places those claims in allowance. At the same time, the Applicants filed a continuation of the '014 Application ("014 Application Continuation"). Because the issues presented in the subject application are similar to the issues initially raised in '014 Application and discussed during the interview, the Applicants intend to await the response of the Examiner in the '014 Application Continuation and take into account such response in fashioning the continuing prosecution of the subject application.

The Applicants' representative respectfully requests an Interview to discuss the features that distinguish the present invention from the cited provisional reference.

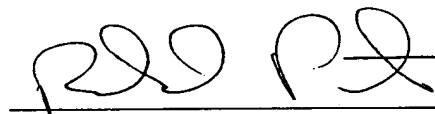
The Applicants respectfully request that the Examiner contact the Applicants' representative below before taking any action in the present application.

Respectfully submitted,

Date:

12/20/00

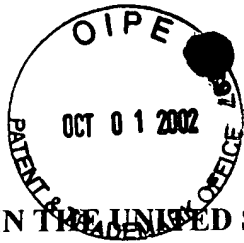
By:



Richard Peterson
Registration No. 35,320
George T. Marcou
Registration No. 33,014

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(202) 508-5858 (fax)

SAIC-0004



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

LALGUNDI V. NATARAJAN et al.

Art Unit: 1756

Serial No.: 09/363,169

Filed: July 29, 1999

Examiner: C. Kelly

For: ELECTRICALLY SWITCHABLE POLYMER-DISPERSED LIQUID
CRYSTAL MATERIALS INCLUDING SWITCHABLE OPTICAL COUPLERS AND
RECONFIGURABLE OPTICAL INTERCONNECTS

**PETITION TO EXTEND THE PERIOD
FOR RESPONSE BY THREE MONTHS**

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

The Applicants, through their attorney, hereby petition to extend time for response to the Office Action of June 20, 2000, to within the third extended month of December 20, 2000. The amount of \$890.00 to cover the extension fees set forth in Rule 17 is hereby submitted.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account 501458. A duplicate copy of this letter is enclosed for that purpose.

Respectfully submitted,

Date: 12/20/00

By: 

KILPATRICK STOCKTON LLP
700 13th Street, N.W., Suite 800
Washington, D.C. 20005
(202) 508-5800 (phone)
(202) 508-5858 (fax)

Richard Peterson
Registration No. 35,320
George T. Marcou
Registration No. 33,014

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Please return this card, indicating receipt date and Serial No., if applicable, of the following

Response to Office Action; Petition To Extend The Period For Response By Three Months; Check for \$890.00

Applicant(s): Lalgundi V. Natarajan et al.

Title: ELECTRICALLY SWITCHABLE POLYMER-DISPERSED LIQUID CRYSTAL MATERIALS INCLUDING SWITCHABLE OPTICAL COUPLERS AND RECONFIGURABLE OPTICAL INTERCONNECTS

Serial No.: 09/363,169

Filing Date: July 29, 2000

Docket No.: SAIC-0004

Due Date: December 20, 2000



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